

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

PETER RAFAEL DZIBINSKI DEBBINS,	)	
	)	
Petitioner,	)	
	)	Criminal Case No. 1:20-cr-193
v.	)	Civil Action No. 1:22-cv-991
	)	
UNITED STATES OF AMERICA,	)	The Honorable Claude M. Hilton
	)	
Respondent.	)	

**MOTION FOR EXTENSION OF TIME**

The defendant, Peter Rafael Dzibinski Debbins, has filed a motion under 28 U.S.C. § 2255 to set aside his conviction. Under the current scheduling order, the government's response is due on November 14, 2022. Pursuant to Federal Rule of Criminal Procedure 45(b), the government respectfully requests an additional 45-day extension to file its response.

On August 20, 2020, a grand jury in the Eastern District of Virginia returned an indictment charging Debbins with one count of conspiring to communicate U.S. national defense information to agents of a foreign government, in violation of Title 18, U.S. Code, Section 794(a), (c). Almost three months later, on November 18, 2020, Debbins pleaded guilty to the charged espionage conspiracy. On May 14, 2021, the Court sentenced Debbins to 188 months of imprisonment. Less than two weeks after being sentenced, Debbins filed two pleadings pro se—a motion to withdraw his guilty plea and a notice of appeal (despite the appellate waiver in his plea agreement). Soon thereafter, Debbins, through his counsel, moved to withdraw both pleadings.

In August 2022, more than a year after he dismissed his direct appeal, Debbins filed the pending § 2255 motion pro se. To support the motion, Debbins submitted a nineteen-page, single-spaced, handwritten memorandum alleging multiple grounds for relief. The Court ordered the government to respond within 23 days. On the government's motion, the Court extended this deadline to November 14, 2022, to enable the government to obtain a copy of the transcript of the sentencing hearing and prepare its response in light thereof.

There is good cause for extending the government's time to respond to the § 2255 motion. The undersigned attorney was the lead prosecutor on this case and is best positioned to prepare a thorough response to Debbins's arguments. However, the undersigned is currently the lead prosecutor in three active cases:

- *United States v. Hatchet M. Speed*, No. 1:22-cr-165-MSN (E.D. Va.) – The defendant has been charged with three counts of possession of unregistered silencers, in violation of the National Firearms Act, 26 U.S.C. § 5861(d). Trial is scheduled to begin on December 12, 2022.
- *United States v. Erlinda Ramos-Bobadilla*, No. 1:15-cr-290-LMB (E.D. Va.) – The defendant has been charged with conspiracy to distribute cocaine, knowing and intending that it would be imported into the United States, in violation of 21 U.S.C. §§ 963 and 959(a). The case has been declared as complex for purposes of the Speedy Trial Act, and trial is scheduled to begin on February 6, 2023.
- *United States v. Matthew D. Rogers*, No. 1:22-cr-192-MSN (E.D. Va.) – The defendant has been charged with unlawful possession of a machinegun, in violation of 18 U.S.C. § 922(o). A change of plea hearing is scheduled for December 15, 2022.

Demands from these active cases have required the undersigned's attention and precluded completion of the response to Debbins's § 2255 motion. For example, *United States v. Erlinda Ramos-Bobadilla*—a case involving a leader of one of the largest drug-trafficking organizations in Honduras—has been declared as a complex case in light of the voluminous discovery involved, serious safety concerns for government witnesses, foreign evidence, size of the conspiracy, and acts of violence carried out in furtherance of the conspiracy. And *United States*

*v. Hatchet M. Speed* is scheduled to go to trial in approximately one month. In addition to preparing the case for trial, the undersigned has recently had to prepare a response to a motion to dismiss that the defense filed raising two constitutional challenges to the charges in the indictment. That motion is scheduled to be argued on November 10.

Meanwhile, the undersigned is also the lead attorney on other investigations that have required a significant amount of time and attention. Most notably, within the last month, the undersigned had to travel internationally for about a week in connection with one of the investigations.

In light of the foregoing, the undersigned needs additional time to prepare the government's response to Debbins's multiple claims for relief in his § 2255 motion. The government respectfully requests that the Court extend its time to respond to Debbins's motion by 45 days, making its response due on December 29, 2022.

Respectfully submitted,

Jessica D. Aber  
United States Attorney

By:                     /s/                      
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 7th day of November, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. And I hereby certify that I will mail the document by U.S. mail to the following non-filing user:

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\_\_\_\_\_/s/\_\_\_\_\_  
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